

Message Text

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ORIGIN COME-00

INFO OCT-01 NEA-10 IO-13 ISO-00 AGR-05 CEA-01 CIAE-00

DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 FEA-01

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STATE/EB/CBLACK

COM/OTP/TNAD/MKPRUIETT

STATE/NEA/IRN/RBEALES

USDA/RRIENERSCHNEIDER

TREASURY/EBARBER

STR/BSTEINBOCK

LABOR/HFIEKOWSKY

----- 092060

R 100209Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, MTN, IR

SUBJECT: MTN NEGOTIATIONS: CLARIFICATION OF NON-TARIFF

----- MEASURES (NTM) REPORTED BY INDUSTRY ADVISORS

1. OVER THE PAST 2 YEARS THE DEPARTMENT OF COMMERCE
JOINTLY WITH STR HAS OPERATED A CONSULTATION PROGRAM WITH
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INDUSTRY FOR THE PURPOSE OF OBTAINING ADVICE WITH RESPECT

TO U.S. PARTICIPATION IN THE MULTILATERAL TRADE NEGOTIATIONS. SIMILAR CONSULTATION PROGRAMS ARE SEEKING ADVICE FROM LABOR AND AGRICULTURAL INTERESTS. THE PROGRAM CONSISTS OF OVER 500 INDUSTRY REPRESENTATIVES ORGANIZED INTO ONE HIGH LEVEL POLICY COMMITTEE AND 27 SPECIFIC INDUSTRY SECTOR ADVISORY COMMITTEES (ISAC). EACH ISAC PROVIDES DETAILED ADVICE AND INFORMATION REGARDING U.S. AND FOREIGN TARIFF AND NON-TARIFF MEASURES AFFECTING THE PRODUCTS WHICH IT COVERS.

2. TARIFF AND NTM INFORMATION SUPPLIED BY ISACS IS BEING COMPILED INTO MASTER COUNTRY DATA LISTS WHICH WHEN COMPLETED WILL BE IMPORTANT DATA SOURCE FOR SUPPORTING WORK OF MTN DELEGATION GENEVA.

3. IN CONSIDERING NTM SUBMISSIONS MADE BY ISACS WE FIND SOME REQUIRE DETAILED CLARIFICATION WHICH WE BELIEVE ONLY EMBASSY CAN SUPPLY. ACCORDINGLY WE REQUEST EMBASSY REVIEW

AND ANALYSIS OF FOLLOWING ALLEGED NTM.

3A. DUTY ON CANNED SOUPS BASED ON GROSS WEIGHT RATHER THAN NET WEIGHT. WHAT IS THE BASIS OF VALUATION OF IMPORTS OF CANNED GOODS FOR PURPOSES OF ASSESSING IMPORT DUTIES? IS THIS BASIS OTHER THAN ACTUAL VALUE AS DEFINED BY GATT?

3B. DUTY UPLIFT OF 10 PERCENT ON CONSTRUCTION EQUIPMENT. DOES IRAN INCORPORATE THE BRUSSELS DEFINITION OF VALUE (BDV) INTO ITS CUSTOMS VALUATION LAWS? IF SO, ARE THERE PUBLISHED ADMINISTRATIVE REGULATIONS RELATING TO THE BDV IN TRANSACTIONS BETWEEN ASSOCIATED FIRMS? ARE THERE ADMINISTRATIVE APPEAL PROCEDURES IN DISPUTED CUSTOMS DECISIONS CONCERNING VALUATION UPLIFTS IN TRANSACTIONS BETWEEN ASSOCIATED FIRMS? IF SO, PLEASE DESCRIBE. WHAT OTHER PRODUCTS, IF ANY, ARE AFFECTED BY DUTY UPLIFT?

3C. LOCAL CONTENT REQUIREMENTS FOR COMMUNICATION AND NON-CONSUMER ELECTRONIC EQUIPMENT. WHAT PERCENTAGE OF COMPONENTS MAKING UP FINISHED PRODUCTS MUST BE DOMESTICALLY LIMITED OFFICIAL USE

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PRODUCED? WHAT INTERMEDIATE AND END PRODUCTS ARE AFFECTED? ARE LOCAL REQUIREMENTS DESIGNED TO PROTECT DOMESTIC INDUSTRIES? ARE LOCAL CONTENT REQUIREMENTS INTERTWINED WITH REGULATIONS CONTROLLING INVESTMENTS AND EXPORTS; I.E., IS FOREIGN INVESTMENT BY A U.S. FIRM REQUIRED TO MEET LOCAL CONTENT REQUIREMENTS WHERE DOMESTIC SOURCING IS NOT POSSIBLE? DOES IRAN REQUIRE SUCH MANUFACTURES TO EXPORT SPECIFIED AMOUNTS OF THEIR PRODUCTION IN ORDER TO

EARN FOREIGN EXCHANGE?

3D. BILATERAL AGREEMENTS WITH FRANCE AND WEST GERMANY. DOES IRAN MAINTAIN BILATERAL TRADE AGREEMENTS WITH FRANCE AND GERMANY OR ANY OTHER COUNTRY? IF SO, PLEASE DESCRIBE. DO SUCH AGREEMENTS SIGNIFICANTLY IMPAIR TRADE WITH THIRD COUNTRIES, PARTICULARLY THE U.S.?

3E. CONSULAR INVOICES NOT STANDARDIZED. DOES IRAN HAVE A STANDARD CONSULAR INVOICE CERTIFICATE? IF SO, PLEASE DESCRIBE. PLEASE POUCH COPY OF CONSULAR INVOICE FORM(S).

4. FOR ALL THE MEASURES LISTED IN PARA. 3 WE WOULD APPRECIATE RECEIVING FOLLOWING INFORMATION: (A) DOES MEASURE EXIST? (B) IF SO, BRIEF, CONCISE DESCRIPTION OF NTM; (C) SPECIFIC PRODUCTS AFFECTED (BY 4 DIGIT BTN NUMBER OR MORE DETAILED BREAKDOWN IF KNOWN); (D) ESTIMATED NTM IMPACT ON PARTICULAR PRODUCT AND U.S. TRADE IN GENERAL; (E) STATUTORY BASIS OF MEASURE AND ASSESSMENT OF ITS NEGOTIABILITY.

5. THIS INFORMATION IS A CRUCIAL ELEMENT IN THE INDUSTRY SECTOR ADVISORY COMMITTEES' INPUT ON TARIFFS AND NTMS IN SUPPORT OF USG NEGOTIATING EFFORTS IN MTN. THE ISACS HAVE BEEN ESTABLISHED PURSUANT TO REQUIREMENTS OF SECTION 135 OF THE TRADE ACT OF 1974 AS INSTRUMENT TO PROVIDE U.S. INDUSTRY THE MEANS TO HAVE THEIR INTERESTS KNOWN AND REPRESENTED IN GENEVA. THE DATA IN THEIR REPORTS, SUPPLEMENTED BY COMMERCE INPUT, ARE BEING AGGREGATED INTO MASTER LISTS, BY COUNTRY, TO PROVIDE GENEVA NEGOTIATORS WITH IMMEDIATE REFERENCE TO IMPORTANT U.S. TRADE INTERESTS AND THE BARRIERS IMPEDING THEM. PRESENT NEED FOR THIS IS IN CURRENT TROPICAL PRODUCTS EXERCISE.

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6. NEXT ROUND OF ISAC MEETINGS SCHEDULED FOR NEAR FUTURE AND DUE TO NEED TO UNDERTAKE EXTENSIVE DOCUMENTATION OF CLARIFIED NTM ITEMS WOULD APPRECIATE POST RESPONSE PRIOR TO JULY 30 BUT IF POST UNABLE TO PROVIDE BY THAT DATE, INFORMATION WOULD BE APPRECIATED ASAP THEREAFTER. KISSINGER

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